

1 [Submitting Counsel on Signature Page]
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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 IN RE: JUUL LABS, INC., MARKETING,
10 SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING TRIAL AS TO THE
ALTRIA DEFENDANTS**

11 This Document Relates to:

12 *San Francisco Unified School District v.*
13 *JUUL Labs, Inc., et al.*
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1 WHEREAS, a jury trial is set in this action for November 7, 2022;

2 WHEREAS, summary judgment motions were filed on August 15, 2022;

3 WHEREAS, Plaintiff San Francisco Unified School District (“SFUSD”) and the Altria
4 Defendants¹ desire to streamline the presentation of the factual issues for the jury;

5 WHEREAS, Plaintiff and the Altria Defendants agree that the evidence and theories of
6 liability to be raised at summary judgment and at trial in the SFUSD case by the Altria Defendants
7 or against the Altria Defendants be treated as applying equally to each of the Altria Defendants in
8 the SFUSD case.

9 **NOW THEREFORE**, Plaintiff and the Altria Defendants, through their
10 undersigned counsel, hereby stipulate, agree, and respectfully request that the Court order as
11 follows:

12 1. For the purposes of trial in the SFUSD case only, Altria Group, Inc. agrees that any
13 action or failure to act by Philip Morris USA Inc., Altria Group Distribution Company, and Altria
14 Client Services LLC shall be treated for liability purposes as an action or failure to act by Altria
15 Group, Inc.

16 2. The jury will be instructed that, although evidence may mention or discuss different
17 Altria Defendants, for purposes of trial in the SFUSD case, the jury is to treat all Altria Defendants
18 as if they are a single Defendant.

19 3. Any evidence admissible against one Altria Defendant will be admissible against
20 all Altria Defendants.

21 4. This Stipulation and Order deals exclusively with the topic of legal liability of the
22 Altria Defendants in the SFUSD case. Nothing in this Stipulation and Order precludes any party
23 from distinguishing the Altria Defendants from one another as a factual matter. Nothing in this
24 Stipulation and Order shall be construed as waiving or does waive any argument or objection that
25 any party may have as to the admissibility of evidence, including but not limited to relevance or
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27 _____
28 ¹ “Altria Defendants” means Altria Group, Inc.; Philip Morris USA, Inc.; Altria Client Services
LLC; and Altria Group Distribution Company.

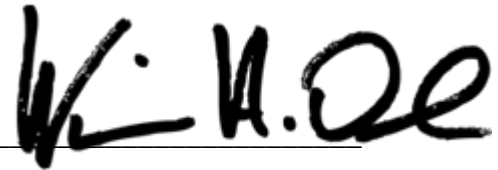
1 hearsay grounds. Nothing in this Stipulation and Order shall make admissible evidence offered
2 by the plaintiff that would not be admissible absent this Stipulation. Similarly, nothing in this
3 Stipulation and Order shall make inadmissible evidence offered by the plaintiff that would be
4 admissible absent this Stipulation.

5 5. This stipulation applies only to the trial currently scheduled in *San Francisco*
6 *Unified School District v. Juul Labs, Inc., et al.* and shall not bind the parties in any other
7 proceeding, including any other case that is part of or becomes part of this MDL.²

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9 **IT IS SO STIPULATED.**

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11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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13 Dated: September 14, 2022

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15 Honorable Judge William H. Orrick
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28 ² This Stipulation will remain in effect only if JLI and the individual defendants who are currently
Defendants in the SFUSD case continue to be parties to and participate at trial in the SFUSD case.

1 Dated: September 12, 2022

Respectfully submitted,

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By: /s/ John C. Massaro

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